

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 26 2008

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

LORINE L. HAYES,

Plaintiff - Appellant,

v.

JOHN E. POTTER, Postmaster General,

Defendant - Appellee.

No. 06-17353

D.C. No. CV-02-00437-VRW

MEMORANDUM^{*}

Appeal from the United States District Court
for the Northern District of California
Vaughn R. Walker, District Judge, Presiding

Submitted March 18, 2008^{**}

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Lorine L. Hayes appeals pro se from the district court's summary judgment for the United States Postal Service ("USPS"), her former employer, in her disability discrimination action. We have jurisdiction pursuant to 28 U.S.C.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

06-17353

§ 1291. We review de novo, *Coons v. Sec’y of United States Dep’t of Treasury*, 383 F.3d 879, 884 (9th Cir. 2004), and we affirm.

The district court properly granted summary judgment for USPS because Hayes did not raise a genuine dispute that USPS failed to engage in an interactive process, in good faith, to identify a reasonable accommodation that would have permitted Hayes to retain her employment. *See Barnett v. U.S. Air, Inc.*, 228 F.3d 1105, 1116 (9th Cir. 2000) (en banc), *vacated on other grounds, U.S. Airways, Inc. v. Barnett*, 535 U.S. 391 (2002) (holding that “summary judgment is available . . . where there is no genuine dispute that the employer has engaged in the interactive process in good faith.”).

We do not consider Hayes’s contentions concerning her eligibility for any other form of accommodation as a federal employee, because Hayes did not raise those arguments in the district court. *See Cold Mountain v. Garber*, 375 F.3d 884, 891 (9th Cir. 2004) (“In general, we do not consider an issue raised for the first time on appeal.”)

AFFIRMED.